

RECEIVED  
CENTRAL FAX CENTER  
AUG 18 2006

PATTERSON | THUENTE |  
SKAAR | CHRISTENSEN | IP

Patent, Trademark, Copyright, Internet &amp; Related Causes

Patterson, Thuent, Skaar &amp; Christensen, P.A.

4800 IDS Center  
80 South 8th Street  
Minneapolis, MN  
55402-2100

t: 612.349.5740  
t: 800.331.4537  
f: 612.349.9266  
www.pstlaw.com

## FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 3

☐ Original documents to follow by mail☒ No originals will be sent

DATE: August 18, 2006

TO: Commissioner for Patents  
Group Art Unit 3721

FAX #: 571-273-8300

PHONE: 571-272-3700

Application No.: 10/786,464  
Applicant: Michael D. Jines et al.  
Due Date: n/a

OUR REF.: 1088.155US02

FROM: Paul C. Onderick/kb  
PHONE #: 612-349-5766

Attached please find the following for filing in the above-identified application:

- (1) Letter in Compliance with Duty of Candor and Good Faith (2 pages).

Respectfully submitted,



Paul C. Onderick  
Registration No. 45,354

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

August 18, 2006  
Date

  
Paul C. Onderick

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL PATTERSON, THUENTE, SKAAR & CHRISTENSEN COLLECT AT (612) 349-5740. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

FACSIMILE SENT BY 

RECEIVED  
CENTRAL FAX CENTER

AUG 18 2006

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1088.155US02

Michael D. Jines et al.

Confirmation No.: 9341

Application No.: 10/786,464

Examiner: Anabel Ton

Filed: February 25, 2004

Group Art Unit: 2875

For: MAKE UP STATION

## LETTER IN COMPLIANCE WITH DUTY OF CANDOR AND GOOD FAITH

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice of Allowance dated June 30, 2006 in the above-referenced case indicates a patent term adjustment of 101 days. Although ultimately the patent term adjustment of 101 days is correct, Applicant wishes to clarify a statement made in the Supplemental Information Disclosure Statement mailed June 21, 2006 and received by the Patent Office on June 26, 2006.

The Supplemental IDS was accompanied by a statement pursuant to 37 C.F.R. 1.97(e)(1) even though Applicant was entitled to include a statement pursuant to 37 C.F.R. 1.704(d). The 1.97(e)(1) statement said "I hereby certify that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement." This statement of certification lacks the statement that the foreign patent office communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than 30 days prior to the filing of the IDS. The information in question was an international

Application No. 10/786,464

search report and written opinion dated June 2, 2006 and received by our office on June 5, 2006. Because the IDS was mailed on June 21, 2006, the Applicant was entitled to make the 37 C.F.R. 1.70(4)(d) certification but failed to do so. Had the Applicant not been entitled to make the 37 C.F.R. 1.70(4)(d) certification, the Applicant should have seen a reduction in patent term adjustment of 19 days to a total of 82 days.

Because the Applicant was entitled to make the 1.70(4)(d) certification, Applicant hereby states that the foreign patent office communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than 30 days prior to the filing of the June 21, 2006 Information Disclosure Statement. Thus, Applicant is entitled to the full 101 day patent term adjustment.

Applicant believes that no fee is necessary along with this letter. However, Applicant authorizes the patent office to charge any applicable fees or deposit any overpayment to Deposit Account No. 16-0631.

Respectfully submitted,



Paul C. Onderick  
Registration No. 45,354


Customer No. 24113  
Patterson, Thuent, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5766

*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.*

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

August 18, 2006  
Date

  
Paul C. Onderick